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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,871	12/21/2001	Masanori Wakai	35.C16065	4674
5514	7590	10/11/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			NGUYEN, TAN D	
		ART UNIT		PAPER NUMBER
				3629

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/023,871	WAKAI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tan Dean D. Nguyen	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 December 2001.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-66 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-66 is/are rejected.  
 7) Claim(s) 5 and 35 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Claim Status***

Claims 1-66 are pending and are rejected as followed.

### ***Claim Objections***

1. Dependent claims 5, 35 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 35 calls for a certain period not to carry out the step of making decision, this does not further limit the step of making a decision in independent claim 31.

Similarly, claim 5 is rejected for similar rejection with respect to independent claim 1.

### ***Claim Rejections - 35 USC § 112***

2. Claims 5, 35 recite the limitation "the current time" in line 5. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**7. Claims 31-35, 36-48, 56-60 (method), 1-18, 26-30 (system), 61-66 (computer program) are rejected under 35 U.S.C. 102(b) as being anticipated by STEIN et al (US 6,978,779).**

As of 12/21/00, independent method claim 31 is as followed:

31. An information processing method comprising:

- an approval request preparing step of preparing an approval request;
- a storage step of storing an approval service set by an approval service provider;
- a decision step of deciding whether or not to approve said prepared approval request, utilizing said stored approval service; and
- an output step of outputting the result of decision of said decision step.

Similarly, STEIN et al discloses an information processing method comprising:

- an approval request preparing step of preparing an approval request {see Fig. 1, (115)};
- a storage step of storing an approval service set by an approval service provider {see Figs. 2-3, col. 6, lines 1-25};
- a decision step of deciding whether or not to approve said prepared approval request, utilizing said stored approval service; and {see Fig. 1, (115), col. 5, lines 50-67, col. 6, lines 1-25}
- an output step of outputting the result of decision of said decision step. {see Fig. 1, 130, 160, 165, 175, 170}.

As for dep. claim 32 (part of 31 above), which deals with additional step upon approval, this is taught in Fig. 1, 130, 135, 155.

As for dep. claims 33-34 (part of 31 above), which deals with additional step or information upon approval, these are taught in Fig. 1, 130, 135, 155, col. 6, lines 1-25.

As for dep. claim 35 (part of 31 above), this is inherently included in the teaching of STEIN et al as shown in col. 5, lines 50-67.

As for claims 36-44, 45-46, which have similar limitations as in claims 32-35 above, they are rejected for the same reasons set forth above.

As for claim 47, which has similar limitation as in claim 31 above, it's rejected over the same reason set forth in claim 31 above.

As for claim 48, this is taught in col. 5, lines 57-62 "*... comparing the ... information with pre-defined criteria...*".

As for dep. claim 56-58 (part of 47 above), these are inherently included in the teaching of STEIN et al as shown in col. 5, lines 50-67, Figs. 1-2.

As for claims 59-60, which have similar limitations as in claims 32, 33-34 and 48 above, they are rejected for the same reasons set forth above.

**As for independent system claim 1,** which is basically the system to carry out the independent method claim 31 above, it is rejected over the system of STEIN et al to carry out the method claims as rejected above. Alternative, the set up of an equivalent

computer system to carry out an equivalent computer-implemented method steps would have been obvious to a skilled artisan, a computer programmer.

Similarly, dependent claims 2-5 (part of 1 above), are rejected for the same reasons set forth in dependent claims 32-35 (part of 31 above) as cited above.

Similarly, system claims 6-18, 26-30, are rejected for the same reasons set forth in system claims 1-5 above because they are merely the system to carry out method claims 36-48, 56-60.

**As for independent computer program claim 61** which is the computer executable codes for carrying out the method claim 31 above, it's rejected over the computer program inherently included in the system of STEIN et al to carry out the rejection of method claim 31 as cited above.

Similarly, **computer program of claims 62, 63, 64, 65, and 66**, which are the computer executable codes for carrying out the method claims 36, 45, 47, 59-60 respectively above, they are rejected for the same reasons set forth in claim 61 above. Note that claims 61-62 are merely program code. As for the limitations of the steps of "(a) preparing ..., (b) storing...., and (d) outputting", these are non-functional data. Note to receive patentability, the instructions, must accompany "a plurality of processor-executable instructions recorded on signal-bearing media, wherein said instructions, when executed by at least one processor of the system, cause the system to perform the steps comprising: (a)-(d).

8. Dependent claims 49-55, 19-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over STEIN et al.

As for dependent claims 49-55, 19-25 (similar limitations as in dep. claims 49-55 respectively) which deal with well known parameters for carrying out the approval system such as registration, logging procedures, etc., it would have been obvious to carry out these steps in view of the teachings of wide area network (LAN) connection between users and provider as shown on Fig. 4.

No claims are allowed.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct@uspto.gov>. Should you have any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (571) 272-3600, or e-mail [CustomerService3600@uspto.gov](mailto:CustomerService3600@uspto.gov).

Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (571) 272-6806. My work schedule is normally Monday through Friday from 6:30 am - 4:00 pm. I am scheduled to be off every other Friday.

Should I be unavailable during my normal working hours, my supervisor John Weiss can be reached at (571) 272-6812.

The main FAX phone numbers for formal communications concerning this application are (571) 273-8300. My personal Fax is (571) 273-6806. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

dtn  
October 1, 2006



DEAN T. NGUYEN  
PRIMARY EXAMINER